

1 **FINAL**

2
3 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
4 **PLANNING COMMISSION MEETING**

5
6 **Wednesday, August 18, 2010**

7 **6:00 p.m.**

8 **Cottonwood Heights City Council Room**
9 **1265 East Fort Union Boulevard, Suite 300**
10 **Cottonwood Heights, Utah**

11
12 ***ATTENDANCE***

13
14 **Planning Commission Members:**

15 **City Staff:**

16 Amy Rosevear, Chair
17 Perry Bolyard
18 Lindsay Holt
19 James S. Jones, Alternate
20 Bradley Jorgensen

Morgan Brim, Associate Planner

21
22 **BUSINESS MEETING**

23
24 Chair Rosevear called the meeting to order at 6:00 p.m.

25
26 **1.0 WELCOME/ACKNOWLEDGEMENTS**

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29 **2.0 CITIZEN COMMENTS**

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32 **3.0 PUBLIC HEARINGS**

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35 **3.1 The Planning Commission will hear public comment on a conditional use amendment**
36 **to the Caden's Cove Subdivision. The applicant, Duaine Rasmussen, is proposing to**
37 **amend the side yard setbacks of Lots 1 to 10 to five feet. In addition, the applicant is**
38 **proposing to amend the south setback of Lot 11 to 10 feet. The addresses of the**
39 **properties under consideration are: 7034, 7044, 7054, 7064, 7074, 7084, 7094, 7104,**
40 **7114, 7124 and 7134 S. Caden's Cove.**

41
42
43 **(FIRST 15 MINUTES OF MEETING ARE MISSING)**

44
45
46 (18:16:52) There were no further public comments. The public hearing was closed.

1 **3.2 The Planning Commission will hear public comment on a City-initiated general plan**
2 **amendment to Chapters 1 and 2 of the Cottonwood Heights General Plan for “Tall**
3 **Buildings”. The Commission tentatively approved this amendment on August 4,**
4 **2010. Previously, a public hearing was held on May 5, 2010 and a public open house**
5 **was held on April 14, and April 15, 2010.**
6

7 (18:21:58) Chair Rosevear reported that the commission tentatively approved amendments two
8 weeks ago and a public hearing was held previously. The intent of tonight’s public hearing is to
9 discuss what was tentatively approved.
10

11 Associate Planner, Morgan Brim, explained that each city is required to have a general plan and
12 consider each area or property within the municipality boundary. General plans are advisory in
13 nature and do not provide development entitlements, which are provided through the conditional
14 use permit. Any approval by the commission is in the form of a recommendation to the city
15 council who grants final approval. This does not provide entitlements to the developer who has to
16 adopt a zoning ordinance, which grants those entitlements and attaches a specific zoning
17 designation to the property. At that point an applicant then applies for a conditional use permit.
18

19 Utah Code requires that notice of public hearings be provided. Tonight’s public hearing
20 represents the second. An open house was held previously and extended by two days in addition
21 to multiple work meetings which were open the public. On May 5 a public hearing was held and
22 on August 4 the commission granted tentative approval. The purpose of tonight’s meeting was to
23 conduct a public hearing. The property was identified on a site map. Three sites were chosen and
24 staff felt an amendment was appropriate on each due to their proximity to freeway entrances and
25 mass transit lines. Mr. Brim noted that extensive studies would be required for traffic and other
26 improvements that need to be made on the site.
27

28 (18:29:17) Mr. Brim remarked that the gravel pit has similar characteristics with regard to its
29 proximity to the freeway. Staff also considered it for potential transit line development in the
30 future based on the proximity to the future transit line. Mr. Brim explained that the general plan is
31 a long-range planning document and foresees a mass transit line and the ability to increase density
32 near transit stations and preserve interior roads. He explained that in order for density to occur it
33 must integrate. Staff recommended approval of the proposed language.
34

35 Chair Rosevear opened the public hearing and explained that everyone has the right to apply for a
36 general plan amendment. The three areas where changes were proposed were identified. Chair
37 Rosevear explained that what was being considered tonight was the possibility of allowing
38 buildings taller than six stories in the future in specific areas. The commission was aware that
39 many are concerned with traffic issues. She clarified that at some point it might be appropriate to
40 allow buildings greater than six stories. If allowed, they would exist only in the three areas
41 identified.
42

43 (18:36:54) Rod Luck expressed opposition to tall buildings in any of the three areas. He explained
44 that when consideration was made for Cottonwood Heights to become a city, the driving force was
45 fear that Holladay would incorporate the Old Mill area and that economic development would be
46 lost. Mr. Luck stated that if the city allows tall buildings many will regret the incorporation of the
47 city and preferred the area would have been annexed by Holladay. He stated that currently
48 Holladay has a limit of three stories with five stories under certain circumstances. It was unlikely

1 that citizens would ever consider buildings with more than five stories. Mr. Luck stated that if tall
2 buildings are allowed they will serve as a monument to the city government's inefficiency,
3 ineffectiveness, and negligence. With regard to the proximity to residences, he stated that there
4 are numerous homes directly to the west whose mountain views would be blocked. He asked that
5 the commission restore the public's faith and not allow tall buildings to be built in any of the three
6 areas.

7
8 (18:39:29) Stephanie Griffin indicated that neither she nor her neighbors received a flyer. She was
9 particularly opposed to tall buildings on the Old Mill property and felt that staff was pushing the
10 issue. She considered what was happening to be bad government. She was upset that there was
11 not enough room for those present to speak and asked the commission to represent the citizens.
12 Her impression was that Community and Economic Development Director, Michael Black, is
13 pushing the amendment forward. She urged the commission to represent the citizens.

14
15 (18:42:45) Mike Jenkins spoke on behalf of himself and his family as well as members of the Mill
16 Hollow Homeowners' Association, the majority of who support his comments. Mr. Jenkins
17 thanked the planning commission and the city for providing numerous opportunities for the public
18 to comment. Overall he felt the process had been good. He firmly believed that a good process
19 leads to a better result. Mr. Jenkins asked that the commission think seriously about what is
20 proposed, some of the specific wording that has been proposed, and some wording that has been
21 left out and should be included. He referenced page 1-4 where a recommendation was made to
22 delete verbiage stating that, "The community likes Cottonwood Heights the way that it is."
23 Mr. Jenkins' view was that this single sentence eloquently captures the feeling of the community
24 both then and now. He recommended the sentence remain and stated that a clear majority of the
25 local community has made it clear that this sentence is accurate as it relates to building heights.

26
27 To page 1-5 a sentence was added to read, "Safeguarding the interior of the single-family
28 residential neighborhoods against incongruent and intrusive land uses is necessary." He felt "the
29 interior of" introduces confusion about the planning commission's intention to protect the exterior
30 of neighborhoods in the same manner that it intends to protect the interior. Moreover, the general
31 plan does not define "interior" and the current ORD zoning requirement says that building heights
32 taller than 35 feet will be allowed only if there is a finding that additional height will not adversely
33 affect the surrounding land uses. He recommended that "the interior of" be deleted. On pages 215
34 and 216 there is reference to mass transit, future transit, and mass transit alignment as conditions
35 of allowing tall buildings at the Union Park location in the gravel pit. Mr. Jenkins considered the
36 terms to be overly vague. He explained that the Wasatch Front Regional Transportation Plan is
37 very specific and makes reference to the Fort Union transit hub and states that specific lines are
38 intended to feed that location. If tall buildings are contingent on mass transit, he asked that it be
39 done subject to construction of the Fort Union transit hub and associated rapid transit lines. He
40 remarked that the transit hub is scheduled for construction after 2026. Mr. Jenkins considered it
41 premature to base a general plan amendment solely on future transit when it is so far away. He
42 suggested waiting a few years before revisiting the issue.

43
44 Mr. Jenkins remarked that the grant application requests an amendment to the general plan in large
45 part based on LEED certified buildings. If tall buildings are allowed, he recommended they at
46 least include what the applicant has asked for, which is a requirement for LEED certified
47 buildings. Mr. Jenkins remarked that if mass transit is important at Union Park and the gravel pit,
48 it is also important at the Old Mill on Lot 4. He suggested that requirement be consistent and

1 required at all three locations. He commented that there is an ongoing transportation crisis
2 currently at Old Mill that should not be overlooked in setting prerequisites. Mr. Jenkins stressed
3 that he is not in favor of the proposed amendment and most members of the Mill Hollow
4 Homeowners Association also do not support it. He remarked that he provided the city with
5 numerous communications.

6
7 (18:48:05) Jim Jensen was present on behalf of the Overlook at Old Mill Homeowners
8 Association and gave his address as 2961 Caitlin Court. He explained that from the beginning of
9 the process it has been apparent that city staff and Beckstrand have been working hand in hand to
10 bring about an amendment that will allow 12-story buildings. He was troubled by the fact that the
11 planning commission is considering the proposed amendment given the significant input received
12 from residents who are largely opposed to the proposed amendment. Even though three areas are
13 being considered for taller buildings, Beckstrand is the only applicant. Mr. Jensen remarked that
14 the deletions proposed are inconsistent with the remaining provisions of the general plan. He
15 asked the commissioners to consider his written comments submitted at the May 5 public hearing
16 that refer to provisions in the general plan that are inconsistent with the proposed amendment and
17 excisions. He was concerned that the language references the protection of view sheds in
18 surrounding neighborhoods and businesses and specifies six stories. Reference was made to the
19 ORD ordinance that specifies 35 feet and allows for even greater heights with specific findings.
20 Mr. Jensen did not believe that simply allowing six stories complies with that. He asked that the
21 commission visualize 12 stories, which would be three times the height of the former Health Rider
22 building. He did not think such a height would be conducive to a campus-like feel. Mr. Jensen
23 stated that the commission has a responsibility to maintain the integrity of the general plan and
24 listen to the citizens. He urged the commission to deny the request.

25
26 (18:53:40) Todd Leeds was present representing some members of the Bell Monteras
27 Homeowners Association. He indicated that he is a registered professional geologist in Utah and
28 has worked extensively on developments throughout the state including a one million square foot
29 LEED certified building. He stated that he has designed most of the gravel pits in the valley and
30 Utah County as well as Olympic venues for the Salt Lake Olympic Organizing Committee.

31
32 With regard to the view shed, Mr. Leeds remarked that the public input appears to be
33 overwhelmingly opposed while the planning commission is overwhelmingly in favor. That led
34 him to ascertain that the planning commission may not necessarily represent the typical cross
35 section of the population of Cottonwood Heights. Mr. Leeds reviewed the amendments and did
36 not think they specifically describe the conditions of traffic loading and surface that would be
37 impacted by substantially increasing the number of employees and workers traveling to such large
38 buildings. In addition, the plan does not sufficiently address how the traffic modeling was
39 conducted and whether the modeling considers winter weather. With regard to geotechnical
40 issues, Mr. Leeds stated that the plan does not sufficiently address geotechnical constraints with
41 regard to the proximity to the Wasatch Fault and the soils the buildings are being constructed on.
42 In addition, the plan does not sufficiently address the technical merits or designs of what would be
43 required for seismic safety of the buildings and how that would differ from the standards currently
44 in place for six-story buildings.

45
46 It seemed to Mr. Leeds that the zone designation for the three areas is somewhat arbitrary and
47 meant to not appear to appease one single developer. He realized there are private property rights

1 at stake but remarked that the property owners bought the property to develop knowing that the
2 regulations specify six-story buildings only.

3
4 Fire control issues were discussed. Mr. Leeds stated that in studying the Unified Fire Code and
5 what would be required to suppress a fire in a building greater than six stories, he found that it is
6 significantly more involved. He noted that the amendment does not address who would be
7 responsible for incurring those costs. Mr. Leeds explained that while the city is required to hear
8 each application, it is not obligated to *accept* every application. In terms of mass transit, he
9 suggested it be designed and built before deciding where the proposed buildings are to be located.

10
11 Chair Rosevear clarified that at this time the planning commission is reviewing the general plan.
12 There have been references to zoning changes, which is not being considered presently. She
13 explained that the general plan does not provide entitlements for property rights and that specifics
14 are reviewed later in the process. She clarified that the commission is not changing any zoning
15 ordinances tonight.

16
17 (19:00:19) Sam Schroyer resides near the Old Mill Development Area and stated that the tie in
18 with mass transit might happen several years down the road and need not be addressed now. He
19 addressed the gravel pit area specifically and referred to page 2-16 which says that the quarry
20 operation still has a number of years of productivity. His opinion was that based on that,
21 developing a plan now is not urgent. It also states that a development plan for the gravel pit would
22 be helpful in guiding future development. No reference is made to one building or one particular
23 height. His preference was to see the entire area planned before supporting one specific change to
24 the height restriction. Mr. Schroyer next referenced pages 2-29 and 6-13 and questioned whether
25 the citizens support additional development.

26
27 (19:03:33) Randy Long described himself as an avid hiker and camper and was concerned that the
28 proposed buildings in Union Park will be highly visible from the Bonneville Shoreline Trail and
29 possibly the Mountain Olympus trail. He considered that to be enough reason to deny what is
30 proposed. He did not think such tall structures are appropriate in Cottonwood Heights and
31 remarked that most moved to Cottonwood Heights for the views and to escape the city.

32
33 (19:04:50) Edward Schwartz expressed concern with how the situation is being analyzed. He
34 remarked that the economic climate is very difficult yet multi-story office buildings are being
35 considered for development. What is proposed equates to 2.5 million square feet of office space
36 although there is an existing vacancy rate of 11.4%. This data does not include the most recent
37 addition of Blue Cross Blue Shield, which is adding 50,000 square feet to the market place. This
38 brings the total vacancy rate to 13.4% in the quadrant being discussed for development. He
39 described the most common industry standards, which call for a vacancy rate of between 8% and
40 10%. This allows movement from one area to another or acquisition of additional space. At 8%
41 the vacancy strength is 200,000 square feet. At 10%, the vacancy strength is 250,000 square feet.
42 Mr. Schwartz noted that Sandy and Draper currently have a Class A office space vacancy rate of
43 24%. He suggested the commission take a closer look at the economy and the scale being
44 considered before granting approval.

45
46 (19:08:00) Marynell Hinton agreed with the comments made to this point. She read the proposal
47 several times and could not see how it was intended to serve the interests of the community. It
48 seemed to her to only serve the interests of the party seeking to construct the 12-story building.

1 She suggested the city wait for mass transit to catch up and asked for assurance that discussion and
2 voting will take place in public.

3
4 (19:09:11) Jan Nielsen gave her address as 3613 Winesap Road and stated that she has lived there
5 for nearly 38 years. She moved to the area for the view of canyon. She was concerned that the
6 construction of a 12-story building will eliminate the view of the canyons and that along Fort
7 Union Boulevard; a 12-story building will obliterate the view of the mountains. She was also
8 concerned about increased pollution resulting from increased traffic. She urged the commission to
9 preserve what many moved to Cottonwood Heights for.

10
11 (19:10:22) Jim Whitehead was presenting on behalf of residents of Pine View Circle, Pine Drive,
12 and some Manorly Court residents. After working 13 years in commercial real estate, he was not
13 adverse to development. He did, however, have reservations with what was proposed.
14 Mr. Whitehead spent a lot of time with his neighbors keeping Holladay from putting a four-lane
15 highway up 3000 East. The intent was to preserve the Old Mill area and address a commercial
16 node that would be largely served by freeway ingress and egress. He spent many hours working
17 on the ORD Zone and noted that the zoning and master plan changes were exceeded before
18 Cottonwood Heights City incorporated. He asked that at least the Old Mill location be excluded
19 from consideration and stated that Beckstrand began the process knowing the limitations and that
20 they had already exceeded the intensity of that development. The original intent was to limit the
21 ingress and egress to the freeways and 6200 South, which could serve and adequately address
22 traffic circulation. He noted that some city streets are in failure mode during a significant portion
23 of the day including peak hours. In addition, there is no possibility for more ingress and egress,
24 which has been determined by the City of Holladay.

25
26 Mr. Whitehead explained that the ORD Zone was adopted to allow what occurred in the area,
27 which was more intense than originally intended. Additionally, Beckstrand has been treated very
28 favorably in terms of the additional buildings allowed to be built on property acquired from
29 Gardner and Boyer. Mr. Whitehead stressed that the overall traffic and circulation needs to be
30 addressed prior to dealing with changes necessary to adequately address ingress and egress.

31
32 (19:15:50) Claire Geddes described herself as a 35-year resident who has been very involved with
33 the county in planning and zoning. She spent the last 20 years on Capitol Hill in addition to
34 working with various branches of government to protect the public. Most who supported the
35 city's incorporation did so thinking they would be treated fairly and that there would be
36 responsible planning and zoning, which was not the case with the county. Since then, she thought
37 the city had taken numerous steps in the wrong direction. After reviewing the Tavaci
38 development, Ms. Geddes had great concerns and no trust and no confidence that planning will be
39 done properly. She wants the city to remain beautiful and desirable but was discouraged that
40 developers are able to increase building heights so easily. She questioned why the city is planning
41 for mass transit, which is many years down the road and considered what is proposed to be wrong
42 for the city. Ms. Geddes stated that if the commission loses the trust of the citizens they will lose
43 everything. Currently, she has no trust with respect to planning and zoning. She asked that the
44 planning commission reject the proposed changes.

45
46 (19:19:22) Ralph Wieben, an 18-year resident, described himself as a proponent of empty lots.
47 Over the years he has seen less and less of the mountains and was concerned that a 12-story
48 building will only make matters worse. He considered development to be like cancer. While he

1 respects the planning commissioners he believes they are misdirected. He encouraged the city to
2 secure a larger venue for heavily attended public hearings. Mr. Wieben also remarked that the exit
3 off of the highway is the gateway to the city and questioned the wisdom of allowing the
4 development of 12-story buildings. He expressed concern with the potential for a 12-story
5 building to intersect an interstate highway. He agreed that the city should plan many years into
6 the future but stressed the importance of preserving the mountain views.

7
8 Chair Rosevear explained that the planning commission has not made any decisions on the matter
9 under review. For that reason, the public hearing is being conducted. She hoped those present
10 will not feel that the commission is biased and promised to consider any and all impacts if the
11 matter moves forward.

12
13 (19:24:10) Renee King stated that 10 years ago she and her family made the choice to move less
14 than one-half mile from their former residence because of their love for the area. She agreed with
15 the comments made previously and stated that if one 12-story building is allowed, others will
16 follow. Mrs. King remarked that the traffic on Nantucket is heavy and she expressed concern
17 about the potential for a six-lane road through Old Mill. She was concerned that the bike path will
18 no longer exist if 12-story buildings are constructed and with the negative fundamental impact
19 such development will have on the city.

20
21 (19:26:20) Alan Fletcher gave his address as 3185 East Walker Mill Court and was present
22 representing the Old Mill Homeowners Association. He stated that over the last year the process
23 has been a point of contention and very polarizing. In February, at their annual HOA meeting,
24 Community and Economic Development Director, Michael Black, was invited to address the
25 group due to total opposition of the proposed building. At the conclusion of his remarks, there
26 was no change in the opinion of the homeowners who were unanimously opposed to the proposed
27 12-story building. The opposition was based primarily on traffic flow, safety, and aesthetics. He
28 appreciated the efforts of Beckstrand to accommodate the proposed building but the opinion of the
29 homeowners was that there is no precedent for such a structure.

30
31 (19:30:53) Steve Thorpe was surprised that the request had come this far in the process. He was
32 concerned that what is proposed will open a door that no one wants opened. He expressed
33 opposition to tall buildings in all three areas as it will be detrimental to the face of the city.

34 (19:32:19) William Good a Quicksilver Drive resident, stated that he has been a Cottonwood
35 Heights City resident for 16 years and served on the council prior to the city's incorporation. He
36 noted that approval of the amendment will be valid immediately and considered tall buildings to
37 be inappropriate everywhere in the city.

38
39 The commission took a 10-minute break.

40
41 (19:46:35) Tobin Atkinson reported that he has lived on Butler Hill for the last 30 years. He read
42 a prepared statement, which was submitted and made part of the record. He was opposed to all tall
43 buildings and remarked that if a strip club or adult bookstore were proposed rather than a 12-story
44 building, the situation would be very different. In this instance, however, the general plan which
45 to this point has limited the height of buildings, has been intentionally altered in favor of a specific
46 developer. It seemed to him that the attitude of the commission is one of consent. Mr. Atkinson
47 was suspicious of the commission and their handling of the general plan changes. At a previous

1 meeting the developer disclosed that a close relative served on the commission. He questioned
2 how the citizens can have a fair voice when the developer has such an immediate and influential
3 line directly to the commission. Even if the relative of the developer recuses himself, he is still a
4 member of the commission. Mr. Atkinson remarked that if there is just one forbearance to the
5 general plan it can never be undone and there will be other requests. If the commission does not
6 listen to the voice of citizens, he suggested the issue be finalized on a ballot.

7
8 (19:49:50) Robin Bateman expressed opposition to tall buildings in all areas of the city but
9 focused her remarks mostly on the Old Mill area. She stated that it is already congested,
10 overcrowded, and overdeveloped. The rationale behind allowing the Blue Cross building to have
11 three stories was that line of sight would not be affected. Ms. Bateman considered line of sight to
12 be irrelevant and stated that the change was arbitrarily inserted into the general plan without a
13 request from Blue Cross. It seemed to her that the city is trying to build taller buildings.
14 Ms. Bateman clarified that the area in question has been zoned for a maximum of two stories. She
15 considered a 12-story building on the Beckstrand property to be inappropriate. It seemed to her
16 that the planning commission has total disregard for the argument of precedence and she noted
17 that there is no language in the general plan prohibiting the addition of additional areas in the
18 future, how many buildings might be allowed, or reference to the maximum height. Ms. Bateman
19 noted that the developer initiating the change does not reside in the city while the citizens have
20 invested their lives here and are greatly impacted by development. She expressed her strong
21 opposition to what is proposed.

22
23 (19:53:05) John Kennington an Apple Valley resident, stated that he has lived in Cottonwood
24 Heights for the last 32 years. He moved to the city to enjoy the suburban atmosphere, easy canyon
25 access, and the mountain views. Back then he remembered that generally between Olympus Cove
26 and Bengal Boulevard there was very little development on the east side of Wasatch Boulevard.
27 In comparing those views to today, one could conclude that significant development has taken
28 place. Long term it is not sustainable and over time the reasons he moved to the area have been
29 diminished. He was concerned that what is proposed could further accelerate the diminishment of
30 values. Mr. Kennington asked that the city pause and consider the remaining quality of life
31 attributes that should be maintained for the entire city with a transparent public process. With
32 regard to the gravel pit, office buildings were not a recommended use in the present general plan.
33 He expressed his opposition to the development of tall office buildings on all sites and opposed
34 premature piecemeal approval.

35
36 (19:55:55) Will McCarvill identified himself as the President of CH Voters, Inc and stated that he
37 submitted his comments via email. He remarked that the proposed amendments to the city plan
38 for tall buildings are not needed presently as the benefits of the amendments are outweighed by
39 their liabilities. He noted that the amendments are in conflict with the general plan and tall
40 buildings not only conflict with the aesthetic attributes of the city, but with homegrown locally
41 owned businesses. In addition, the amendments are not needed to improve the city's finances.
42 Mr. McCarvill did not believe tall buildings are required by the market place currently. Concern
43 was expressed about the precedent set by allowing tall buildings and that irreversible major
44 changes to the city plan will result in irreversible changes to the city itself.

45
46 (19:59:33) Joan Carman gave her address as 6912 Hillside Village Circle and stated that she has
47 been a resident of the community for over 20 years. She recognized the nature of the general plan
48 amendment but questioned whether 12-story buildings should be allowed. She remarked that the

1 request would not have been considered if Beckstrand had not asked for a conditional use permit
2 for a building twice the height allowed. Three separate areas are now being considered for taller
3 buildings. She noted that Union Park and 1300 East are already in failure mode and additional
4 buildings will only make the situation worse. Old Mill is already built out but the gravel pit is not.
5 Geographically it is riddled with fault lines and she questioned the wisdom of building a 12-story
6 building there. Ms. Carman stated that the commission has the power to determine what the
7 community will be. What the citizens want is a safe, secure, quiet, peaceful city that does not
8 compete with Sandy, Murray, or Midvale. She remarked that the citizens present are making it
9 very clear that they do not want the proposed change to the general plan amendment.

10
11 (20:02:14) Michael Baker indicated that he graduated with a degree in Urban Planning from the
12 University of Utah and had concerns about the proposal. He was concerned about the precedent
13 that will be set and expressed opposition. He suggested that such a decision include community
14 involvement. He felt that taller buildings in the present suburban environment will create mental
15 barriers, particularly at the mouth of the canyon.

16
17 (20:04:10) Nancy Baker identified herself as Michael Baker's mother and stated that they live
18 adjacent to the Cottonwood Corporate Center. When they first moved to Cottonwood Heights in
19 1979, the Cottonwood Heights Recreation Center was one of the draws that brought and kept their
20 family here. When they built a new home, they did so one mile away because of the sense of
21 community. She remarked that Old Mill and Blue Cross have been very good neighbors and quick
22 to respond to complaints. In 1993, they purchased their present lot because it was zoned for two-
23 story maximum heights. Salt Lake County claims there were public hearings but none of her
24 neighbors were notified or attended. All attended a secondary meeting to discuss landscape
25 design. She noted that six stories creates as much angst as 12 stories and was convinced that
26 allowing additional height will make it easier for future developers to propose something similar.
27 Ms. Baker mentioned that she avoids shopping in Cottonwood Heights because of the traffic at the
28 intersection across the street. She was concerned that that will get worse with more development.
29 As a clinical social worker and psychotherapist, she reported that research has shown that people
30 behave based on how their environment is created and they reflect the environment that is built for
31 them. The commission's job is to create the environment that the citizens will live in. She was
32 not opposed to progress but was against Cottonwood Heights becoming a faceless community.
33 People value the community and are expressing that to the council. She encouraged the
34 commissioners to deny the proposed change to the master plan.

35
36 (20:08:35) Araseli Condas reported that she moved to Utah two years ago from Seattle. She was
37 drawn to Cottonwood Heights because of the small town feel. She looked at the general plan
38 before purchasing her property and felt that what is proposed is counter to that vision. She
39 expressed opposition to increasing building heights and asked that the commission deny the
40 request.

41
42 (20:09:59) Robert Condas agreed with his wife and referred to previous comments made by the
43 developer about having difficulty attracting large companies because of the lack of square footage.
44 In Seattle, he worked across the street from Microsoft where they did not build tall buildings and
45 instead created a pleasant, campus-like atmosphere. Cottonwood Heights should be no different.
46 Tax and incentive issues were discussed. Mr. Condas remarked that incentives equate to tax
47 breaks, which he did not support. He did not think master plans should favor developers but
48 instead favor the current landowners.

1
2 (20:12:45) Mark Machlis, a 21-year resident, referred to the \$300,000 that could potentially
3 benefit area schools, and stated that the potential impact is far greater than the benefit. He urged
4 the commission to vote on the matter tonight.

5
6 (20:14:00) Ken Houck reported that he and his wife moved to the city eight years ago primarily
7 for the views. He noted that the views have already been obscured and traffic has increased. He
8 thought the matter should be voted on by the citizens rather decided by the commission.

9
10 (20:16:10) Christine Nebeker reported she and her family purchased a home in the area because of
11 their love for the community. She believed that changing the master plan to allow 12-story
12 buildings in these three areas will make it easy to make a similar change city-wide. She expressed
13 opposition to the proposed amendment.

14
15 (20:17:15) Ken Paulson expressed opposition to the proposed tall buildings and thought tonight's
16 hearing was a good forum to discuss what the citizens of the community want.

17
18 (20:18:10) Mark Vanmondfrans stated that he lives less than one mile from the Cottonwood
19 Corporate Center and also offices there. He explained that the center was intended to have a
20 campus feel and at one time, rents there were the highest in the state. He expressed concern that
21 what is proposed will have a negative impact on the community. He recalled that the developer, in
22 a previous meeting, indicated that a tall building is not feasible unless it is greater than seven
23 stories. Mr. Vanmondfrans urged the commission to deny the request in all three areas.

24
25 (20:20:24) Viong Che (sp?) stated that he has lived in Cottonwood Heights for more than a decade
26 and expressed opposition to the proposed change in all three areas. He was born in a small village
27 in China 45 years ago and when he came to this society he realized that money is not everything.
28 He noted that China has become the second largest world economic power and over the years his
29 village has changed for the worse. He suggested that everyone work together as a team and
30 preserve as much as possible for the community.

31
32 (20:23:02) Bill Buxton stated that he has spent the last 74 years in Cottonwood Heights. His
33 mother and father-in-law also were born here and contributed greatly to the community. He urged
34 the commission to listen to the citizens and deny the request. He expressed love for the mountains
35 and stated that he has explored them in depth over the years.

36
37 (20:24:50) Barbara Pattee, a 45-year resident, reported that she raised her six children here. She
38 gets around in an electric scooter and questioned her ability to continue to do so if there is
39 increased traffic. If traffic worsens she fears she will be completely homebound. Ms. Pattee
40 expressed opposition to the proposed amendments.

41
42 (20:26:15) Steve Hawkins identified himself as the applicant who requested the general plan
43 amendment. He noted that they have never requested incentives or tax breaks. Unbiased planning
44 experts, such as those who put together Wasatch Choices 2040, consider the proposed location to
45 be the right place for high-density development. To avoid pressure throughout the city, it is
46 necessary to target high-density uses on 3% of the land. Doing nothing will be to ignore best
47 planning principles.

(20:30:05) There were no further public comments. The public hearing was closed.

4.0 ACTION ITEMS

4.1 The Planning Commission will take action on a conditional use amendment to the Caden's Cove Subdivision. The applicant, Duaine Rasmussen, is proposing to amend the side yard setbacks of Lots 1 to 10 to five feet. In addition, the applicant is proposing to amend the south setback of Lot 11 to 10 feet. The addresses of the properties under consideration are 7034, 7044, 7054, 7064, 7074, 7084, 7094, 7104, 7114, 7124 and 7134 S. Caden's Cove.

(18:18:20) *Commissioner Jorgensen moved to approve the conditional use amendment for the Caden's Cove Subdivision as requested. Commissioner Holt seconded the motion.*

In response to a question raised, Mr. Brim stated that the extra garage is considered a single-family residence resulting in no increase to density or traffic. He noted that impacts cannot be substantially measured. Traffic and impact issues were discussed.

A question was raised about changes to the access road. Mr. Brim stated that changes were anticipated and noted that the density has been approved by the city and fire department with the access road as proposed. The current developer has negotiated a fire access at the front of the property where there will be a 25-foot right-of-way as compared to the existing 17 feet. The 17-foot right-of-way is legal but fire sprinklers are required if less than 25 feet. The applicant indicated that an agreement has been negotiated with the owner to widen the right-of-way to 25 feet and hopefully eliminate the need for sprinklers.

Vote on motion: Perry Bolyard-Aye, Bradley Jorgensen-Aye, Lindsay Holt-Aye, James S. Jones-Aye, Amy Rosevear-Nay. The motion passed 4-to-1.

4.2 The Planning Commission will take action on a City-initiated general plan amendment to Chapters 1 and 2 of the Cottonwood Heights General Plan for "Tall Buildings". The Commission tentatively approved this amendment on August 4, 2010. Public hearings were held on May 5 and August 18, 2010 and a public open house was held on April 14 and April 15, 2010.

(20:31:32) *Commissioner Rosevear moved to push the vote on the amendment out four weeks to allow the commission members time to read the additional communication. A vote was to be held on September 15. Commissioner Holt seconded the motion.*

It was suggested that the minutes of this meeting be put in print and reviewed prior to a vote being taken. Chair Rosevear stated that the work session to be held on September 1 will be a public meeting as are all commission meetings.

Vote on motion: Perry Bolyard-Aye, Bradley Jorgensen-Aye, Lindsay Holt-Aye, James S. Jones-Aye, Amy Rosevear-Aye. The motion passed unanimously.

1 **4.3 The Planning Commission will take action on a conditional use permit request from**
2 **Verizon Wireless. The applicant is proposing to construct a 60-foot high monopole,**
3 **designed to resemble a pine tree, for wireless telecommunication antennas, on the**
4 **south side of the Bella Vista Elementary School, located approximately at 2131 East**
5 **Fort Union Boulevard. A public hearing was held on July 21, 2010.**
6

7 (20:35:00) Morgan Brim presented the staff report and stated that the request is from Verizon
8 Wireless and their consultant Connie Misket. Since the last meeting the matter was reviewed by
9 the Architecture Review Commission who made several recommendations which were included in
10 the staff report. An issue raised at the last meeting pertained to the proximity of the original
11 proposal to Fort Union Boulevard. Originally it was proposed to be located on the south end of
12 the baseball diamond adjacent to Fort Union Boulevard and designed to resemble a pine tree with
13 nine antennas on top. The proposed height is 60 feet from the base of the tower to the highest
14 point.
15

16 In response to feedback received at the last meeting, the applicants moved the site north and east
17 so as to be further from the view of the residents. The newer proposal shows vegetation on the
18 north side over the pole. Mr. Brim noted that the panels on top of the pole will be stealth in
19 nature. He stated that the revised proposal blends in better than what was seen historically. The
20 application will be required to meet the same standard as presented in the photos provided.
21 Mr. Brim noted that the code allows for the matter to be revisited if necessary. Staff
22 recommended approval of the request subject to the conditions contained in the staff report.
23

24 (20:44:41) Ms. Misket stated that changes were made based on recommendations received from
25 the commission. The proposed option was approved by the school principal and will work well
26 for the school. Accommodations were made to allow for an additional shelter. In response to a
27 question raised, Ms. Misket stated that the tower is built for three carriers with three arrays.
28

29 A question was raised about the potential height of the trees to be planted. Ms. Misket estimated
30 that the plantings will be seven to eight feet high so as to provide eye level concealment and will
31 be bushy in nature. Mr. Brim commented that a minimum caliper is required of three to four
32 inches.
33

34 The matter was not scheduled for public hearing, however, there was one individual present
35 wishing to speak.
36

37 (20:51:25) *Commissioner Rosevear moved to allow public comment. Commissioner Jorgensen*
38 *seconded the motion. Vote on motion: Perry Bolyard-Aye, Bradley Jorgensen-Aye, Lindsay*
39 *Holt-Aye, James S. Jones-Aye, Amy Rosevear-Aye. The motion passed unanimously.*
40

41 (20:51:40) Ken Thomas, a Rolling Knolls resident who lives adjacent to the school, expressed
42 concern about the size of the support building and the material it will be constructed of. He did
43 not want the building to look like a steel shed. It was reported that the support building was to be
44 constructed of materials similar to the school building and built so as to allow for co-location with
45 the ability to add an additional building with similar architecture. The proposed height of the
46 building is 10 feet.
47

48 There were no further public comments.

1
2 Appreciation was expressed to Verizon Wireless for working with the commission to make the
3 facility more palatable.

4
5 (20:53:06) *Commissioner Rosevear moved to approve the conditional use permit subject to the*
6 *following:*

7
8 ***Conditions:***

- 9
10 1. *All construction shall take place in accordance with the approved plans for this*
11 *development. Any changes to the plans will be required to receive the appropriate*
12 *approvals.*
13
14 2. *Construction for the project shall be limited to the hours between 7 a.m. and 8:00 p.m.*
15
16 3. *The applicant shall first obtain final approval of the conditional use permit and have*
17 *building plans approved by the City's Building Department before any construction may*
18 *take place.*
19
20 4. *All equipment shall be constructed and/or colored to match the surface and area which*
21 *it is located.*
22
23 5. *The equipment cabinetry shall in no case exceed a height of 10 feet. Both shall be*
24 *constructed with materials that match the exterior of the school.*
25
26 6. *Any proposed facilities shall not interfere with airport or emergency communications.*
27
28 7. *All wiring and cables shall be placed inside of the pole.*
29
30 8. *All power lines, wiring, and cables running to the pole and electronic cabinetry shall be*
31 *placed under ground.*
32
33 9. *The applicant shall provide space and hook ups for future co-location.*
34
35 10. *Trees shall be at least three calipers in size.*
36

37 ***ARC Recommendations:***

- 38
39 1. *The transmitter arrays (panel antennas) must be stealth to appear to be branches rather*
40 *than a regular array attached to a stealth pole.*
41
42 2. *The applicant meets the same standard of stealth that was presented to the ARC via*
43 *photos of existing stealth towers.*
44
45 3. *The applicant shall conceal the base of the pole with shrubbery or by putting it in the*
46 *ground in a manner that appears natural.*
47
48 4. *Equipment shall face away from the parking lot or be concealed with vegetation.*

- 1
- 2 5. *The applicant may install a plate for access to cables but it must be screened from view*
- 3 *with shrubbery or other natural elements.*
- 4
- 5 6. *The access path shall be constructed of concrete to match the overall site of the school.*
- 6
- 7 7. *The trunk of the pole shall be texturized and colored to resemble a pine tree.*
- 8
- 9 8. *The equipment shelter shall be expandable so that it can provide space for co-locaters*
- 10 *rather than requiring the construction of a second building.*
- 11

12 *Commissioner Holt seconded the motion. Vote on motion: Perry Bolyard-Aye, Bradley*

13 *Jorgensen-Aye, Lindsay Holt-Aye, James S. Jones-Aye, Amy Rosevear-Aye. The motion passed*

14 *unanimously.*

15

16 **5.0 DISCUSSION ITEMS**

17 **5.1 The Planning Commission will discuss the process for Short-Term Rentals. There**

18 **are several that have not paid their annual fees to renew their CUP and need to start**

19 **the process for revoking their permits.**

20

21 (20:54:00) Mr. Brim stated that the above matter was on the agenda to make the commissioners

22 aware that the matter is coming forward. It was reported that there are multiple short-term rental

23 permit holders who have not been paying their fees. As a result, the permits are susceptible to

24 revocation.

25

26 **6.0 APPROVAL OF MINUTES**

27

28 July 7, 2010

29 July 21, 2010

30 August 4, 2010

31

32 (20:56:05) *Commissioner Jorgensen moved to table agenda item 6.0 to the next meeting.*

33 *Commissioner Holt seconded the motion. Vote on motion: Perry Bolyard-Aye, Bradley*

34 *Jorgensen-Aye, Lindsay Holt-Aye, James S. Jones-Aye, Amy Rosevear-Aye. The motion passed*

35 *unanimously.*

36

37 **7.0 PLANNING DIRECTOR'S REPORT**

38

39 There was no Planning Director's Report.

40

41 **8.0 ADJOURNMENT**

42

43 (20:56:25) *Commissioner Rosevear moved to adjourn. Commissioner Jorgensen seconded the*

44 *motion. Vote on motion: Perry Bolyard-Aye, Bradley Jorgensen-Aye, Lindsay Holt-Aye, James*

45 *S. Jones-Aye, Amy Rosevear-Aye. The motion passed unanimously.*

46

47 The meeting adjourned at 8:57 p.m.

1
2 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
3 *Cottonwood Heights City Planning Commission Meeting held Wednesday, August 18, 2010.*
4
5
6

7 
8
9

10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13

14
15 Minutes approved: